

CITY OF RYE

NOTICE

There will be a regular meeting of the City Council of the City of Rye on Wednesday, December 21, 2016, at 7:30 p.m. in Council Chambers at City Hall. *The Council will convene at 6:30 p.m. and it is expected they will adjourn into Executive Session at 6:31 p.m. to discuss personnel.*

AGENDA

1. Pledge of Allegiance
2. Roll Call
3. General Announcements.
4. Draft unapproved minutes of the Budget Workshop held November 28, 2016 and the Regular Meeting of the City Council held December 7, 2016.
5. Issues Update/Old Business.
 - Update on the Dearborn Avenue Seawall project.
6. Continuation of the Public Hearing to adopt a Local Law to override the State enacted tax levy limitation.
7. Continuation of the Public Hearing on the proposed 2017 Budget.
8. Resolution to adopt the 2017 Budget and establish the 2017 tax levy and 2017 tax rate.
Roll Call.
9. Resolution authorizing the City Comptroller to make the necessary year-end closing transfers.
Roll Call.
10. Continuation of the Public Hearing to amend local law Chapter 194, "Water", of the Rye City Code by amending Section §194-1, "Conservation in times of emergency", to give the City Manager the authority to declare conservation in times of water emergency.
11. Continuation of the Public Hearing on the proposed revision to the Rye City Charter to rescind Article 12 "Police Department" and Article 13 "Fire Department" and create a new Article 12 "Department of Public Safety" and to create a new position of "Commissioner of Public Safety" which position shall have charge and supervision of the Police and Fire Departments.
12. Residents may be heard on matters for Council consideration that do not appear on the agenda.
13. Consideration of settlement in the litigation *Rvin Reyes, et al v. City of Rye, Rye Golf Club, RM Staffing & Events, Inc., Morris Yacht and Beach Club, Inc. and Scott Yandrsevich, Jointly and Severally.*
Roll Call.

14. Resolution to authorize participation in Westchester County contracts.
Roll Call.
15. Resolution authorizing the Mayor to execute an agreement with the Rye Free Reading Room to furnish library services for 2017.
Roll Call.
16. Resolution designating the days and time of regular meetings of the City Council for 2017 setting January 11, 2017 as the first regular meeting.
17. Bid Award for the Parking Pay Station Replacement contract (Contract #2016-17).
Roll Call.
18. Acceptance of donation to the Rye Police Department from the Rye Rotary Club in the amount of One Thousand Five Hundred (\$1,500.00) Dollars.
Roll Call.
19. Three appointments to the Boat Basin Commission, by the Council, for three-year terms expiring January 1, 2020.
20. Miscellaneous communications and reports.
21. New Business.
22. Adjournment.

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The next regular meeting of the City Council will be held on Wednesday, January 11, 2017 at 7:30 p.m.

** City Council meetings are available live on Cablevision Channel 75, Verizon Channel 39, and on the City Website, indexed by Agenda item, at www.ryeny.gov under "RyeTV Live".

* Office Hours of the Mayor by appointment by emailing jsack@ryeny.gov or contacting the City Manager's Office at (914) 967-7404.



CITY COUNCIL AGENDA

NO. 4

DEPT.: City Clerk

DATE: December 21, 2016

CONTACT: Carolyn D'Andrea, City Clerk

AGENDA ITEM: Draft unapproved minutes of the Budget Workshop held November 28, 2016 and the Regular Meeting of the City Council held December 7, 2016.

FOR THE MEETING OF:

December 21, 2016

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council approve the draft minutes.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☒ Other:

BACKGROUND: Approve the minutes of the Budget Workshop held November 28, 2016 and the Regular Meeting of the City Council held December 7, 2016, as attached.

DRAFT UNAPPROVED MINUTES of the
Budget Workshop of the City Council of the City of Rye
held in City Hall on November 28, 2016 at 6:30 P.M.

PRESENT:

JOSEPH A. SACK Mayor
KIRSTIN BUCCI
EMILY HURD
JULIE KILLIAN
TERRENCE McCARTNEY
DANIELLE TAGGER-EPSTEIN
Councilmembers

ABSENT:

RICHARD MECCA, Councilmember

1. Pledge of Allegiance.

Mayor Sack called the meeting to order and invited the Council to join in the Pledge of Allegiance.

2. Roll Call

Mayor Sack asked the City Clerk to call the roll. A quorum was present to conduct official City business.

Mayor Sack explained that within every budget season, the Council holds budget hearings to understand the departments' vision for the future year and progress in the previous years.

3. Discussion of the FY 2017 Budget:

- ***Rye Free Reading Room Budget Review***

Chris Shoemaker, Rye Free Reading Room, introduced staff and committee members from the Rye Free Reading Room. He stated it has been a fantastic year at the Rye Free Reading Room with various projects underway. Mr. Shoemaker presented a list of the year's accomplishments to the Council. He was happy to announce that the Rye Free Reading Room had the third highest attendance record in Westchester County in 2016. He said that the library is requesting \$1.23 million to sustain the current level of service, 52 hours of public service per week. The majority is funded by the City of Rye, with 1/3 of its funding received from private sources. Mr. Shoemaker stated the Library had a strong return on tax dollars.

Mayor Sack stated that he felt the Library was deserving of the funding that the City Manager is proposing. Councilwoman Bucci commented that the Library does a great job of efficiently utilizing its resources and expanding its programming within the community.

Mr. Shoemaker stated that the Library has been undergoing a capital campaign of raising funds and undergoing capital improvements this coming year.

Councilwoman Killian thanked the Rye Free Reading Room for its services provided to the community.

Francis Jenkins, Vice President of the Rye Free Reading Room Board, stated that they are staying afloat, but not offering extra services. He thanked Mr. Shoemaker for his wonderful job. He stated that libraries are in transition currently and the Library is looking forward to expanding services in the future.

- ***Rye TV Budget Review***

Nicole Levitsky, Cable Coordinator, presented to the Council. She introduced Paula Fung and Kate Conn, members of the Cable TV Committee. Ms. Levitsky said the Commission is fully funded by the franchise agreements. They operate the main studio in Rye High School with additional space at City Hall. In the last three months, the Commission has had 40 productions, working with the community.

Ms. Levitsky said that the cable franchise agreements expire in November 2017 and February 2018. She urged conducting the audits that are recommended with the franchise negotiations. The negotiations will require outside counsel. She also urged against removing funding from the department, as there could be unanticipated costs in the future.

Kate Conn, Commission member, stated that she was there to support the work of the Commission and Nicole Levitsky. She said that Rye is so lucky to have an amazing studio in the heart of the high school. She said that her goal was to try and bring more children into the studio. She also discussed the non-profit participation throughout Rye, in which the Commission aids in their visual needs.

Paula Fung also addressed the Council. She stated that she has been excited about the progress with programming. She stated that the Commission operates solely on the franchise funding and does not take from the City.

Mayor Sack asked about the increase in the budget from 2016 to 2017.

City Comptroller Fazzino responded that the difference is based on the salaries for 2017, as 2016 only supported one full time employee.

City Manager Serrano commented that every municipality manages their cable funding differently.

Councilwoman Killian commented on the wonderful work from the Commission and the participation. She stated that it would be important to look at the franchise agreements and franchise fees issue.

There was general discussion over the upcoming renewal of the franchise agreements.

Mayor Sack asked the Commission to provide real numbers to support their progress.

- ***Police Department Budget Review***

Commissioner Michael Corcoran introduced himself to the Council and gave an overview of the department. There was general discussion concerning breakdown of the Police Department and staff numbers.

Mayor Sack inquired about the dedication of officers to specific tasks, of which there was a discussion. Commissioner Corcoran stated that there would only be 37 officers for 2017.

Mayor Sack asked about the decline in traffic enforcement revenue. Commissioner Corcoran responded that there were only 32 patrol officers in 2016, which is less than usual. There was discussion about increasing the projected revenue for 2017, as enforcement has been increasing.

Commissioner Corcoran reported on enforcement efforts with traffic and criminal enforcement. He also discussed funding, emergency preparedness and the department moving forward.

Mayor Sack asked the Commissioner to perform an annual review with the schools regarding the crossing guard contract.

- ***Fire Department Budget Review***

Chief Billington was happy to report that items at the Fire Department are going well. The Department would like to hire an additional firefighter next year.

Mayor Sack stated that the Council would be interested in exploring a new hire in the future. There was then discussion over the equipment line of the budget, including a new fire truck. There was some discussion over capital projects and priorities in January 2017.

There was then discussion over a future fire truck. Chief Billington explained that the truck was 22 years old and needed upgrading.

Mayor Sack thanked the Fire Department for all their hard work and dedication to the community.

- ***Boat Basin Budget Review***

George Hogben, Boat Basin Director, gave an overview of the Boat Basin's operations. He stated that most boat slips are held by both residents and nonresidents. He stated that the budget is mostly self-sustaining, with fees to fund improvements. He highlighted accomplishments of the Boat Basin Commission in 2016.

There was discussion over dredging and removing materials.

There was discussion over mooring fees and a survey of moorings to collect any unpaid fees with the assistance of police enforcement.

- ***Recreation Department Budget Review***

Sally Rogol, Recreation Superintendent, and Ike Kuzio, Assistant Superintendent, presented to the Council. They provided an overview of the Recreation efforts and operations. Superintendent Rogol gave a summary of many annual events that the Recreation Department provides for the community, including the Food Truck Festival, the Turkey Trot, Holiday Window Painting, Halloween Movie Night, summer camp, holiday bonfire, senior activities, etc.

Superintendent Rogol talked about about the future of the Recreation Department and the Disbrow Park study, which will hopefully improve the future of the park.

Councilwoman Hurd asked about the street opening fees with regard to the DPW presentation, and whether the fees would be discussed prior to the budget being passed.

4. Adjournment.

Councilman McCartney made a motion, seconded by Mayor Sack, to adjourn the budget workshop at 9:00 P.M.

Respectfully submitted,

Carolyn E. D'Andrea
City Clerk

DRAFT UNAPPROVED MINUTES
of the Regular Meeting of the City Council of
the City of Rye held in City Hall on December
7, 2016 at 7:30 P.M.

PRESENT:

JOSEPH A. SACK Mayor
KIRSTIN BUCCI
EMILY HURD
JULIE KILLIAN
TERRENCE McCARTNEY
RICHARD MECCA
DANIELLE TAGGER-EPSTEIN
Councilmembers

ABSENT:

None

The Council convened at 6:30 P.M. Councilman Mecca made a motion, seconded by Councilwoman Bucci and unanimously carried to immediately adjourn into Executive Session to discuss litigation and personnel matters. Councilman Mecca made a motion, seconded by Councilwoman Bucci and unanimously carried, to adjourn the Executive Session at 7:30 P.M. The regular meeting convened at 7:33 P.M.

1. Pledge of Allegiance.

Mayor Sack called the meeting to order and invited the Council to join in the Pledge of Allegiance.

2. Roll Call.

Mayor Sack asked the City Clerk to call the roll; a quorum was present to conduct official City business.

6. Mayor and Council amendments to the proposed 2017 City of Rye Budget.
Roll Call.

This item was taken out of order. Mayor Sack stated that the three proposed alterations were 1) to eliminate the 2017 appropriation for the Five Point Intersection capital project; 2) elimination of one police officer position for the 2017 tentative budget, of which Councilman McCartney clarified was the current staff amount; and 3) raise the projected revenue for traffic enforcement from \$200,000 to \$250,000.

Mayor Sack made a motion, seconded by Councilman McCartney to amend the proposed 2017 City of Rye Budget as described.

ROLL CALL

AYES: Mayor Sack, Councilmembers Bucci, Hurd, Killian, McCartney, Mecca
and Tagger-Epstein
NAYS: None
ABSENT: None

7. **Public Hearing on the proposed 2017 Budget.**

This item was taken out of order. Councilman Mecca made a motion, seconded by Councilwoman Hurd, to open the public hearing for the proposed 2017 budget.

Simultaneously, the following public hearing was opened:

8. **Public Hearing to adopt a Local Law to override the State enacted tax levy limitation.**

This item was taken out of order. Councilman Mecca made a motion, seconded by Councilwoman Tagger-Epstein, to open the Public Hearing to adopt a Local Law to override the State enacted tax levy limitation.

Joseph Murphy, 57 Franklin Avenue, addressed the Council. He asked for a \$650 contribution from the City to the Rye Senior Advocacy Committee. City Manager Serrano confirmed that this item had been included in the proposed budget.

Mayor Sack invited the residents to speak at the public hearing. There being no one to speak, Councilman Mecca made a motion, seconded by Councilwoman Tagger-Epstein and unanimously carried, to adjourn the public hearings anyone to come and speak either this evening or on December 21, 2016.

3. **General Announcements.**

Councilwoman Tagger-Epstein said that the Rye Sustainability Committee has announced that their tree fund is up and running. By way of background, Rye once held the Tree City USA designation, but it was unfortunately lost in 2006. The fund has been set up on the Rye Sustainability Committee website, where people can donate. The initiative is called “Branching Out for Rye.” Councilwoman Tagger-Epstein then announced that on November 20, 2016, she was fortunate enough to attend the Rye Interfaith Thanksgiving Service, held at the Resurrection Catholic Church, in which all other religious organizations were invited. The Rye Women’s Interfaith Counsel hosted the event, with a theme of tolerance and unity. She reiterated the importance message that “words matter, and the truth matters.” She stated that hate crimes are up 35% for 2016 compared to 2015. Councilwoman Tagger-Epstein lastly said that she will continue to remind everyone to emphasize to children that words and actions do matter.

Councilman Mecca stated that he attended a recent Westchester County Electrical Licensing Board meeting. They discussed that the County Board of Legislators will

amend their electrical license code to include electrical inspectors. It takes an act of the state legislature to give the County the right to do so, through a Home Rule. Councilman Mecca said that the City of Rye had enacted this standard back in 2004, meaning that Rye was 12 years ahead of the standard.

Councilman McCartney stated that the Rye Golf Club capital improvements have been completed. He said that the club looks great and encouraged everyone to think about memberships for 2017. He also said that the annual Turkey Run was a great success. Councilman McCartney then stated that Rye resident registration for Winter Recreation programs can be found on the City website. He added that the annual Sing-along and bonfire was also great. Lastly, he stated that the Rye Golf Club will hold its end of year celebration on Friday night, December 9, 2016, for Rye Golf Club members.

Councilwoman Killian announced that the Rye Police Department and Rye ACT are sponsoring a joint drug take-back day on Saturday, December 10, 2016. She also encouraged members of the community to donate to the Sustainability Committee's tree fund.

Councilwoman Hurd thanked the Chamber of Commerce for a successful Mistletoe Magic event. She thanked Councilman Mecca and Mrs. Mecca for volunteering at the event, which was festive for all who attended.

Mayor Sack announced that today, December 7, 2016, was the 75th anniversary of Pearl Harbor. He stated that this important event should not be forgotten.

4. Draft unapproved minutes of the Presentation of the 2017 Budget held November 9, 2016, the Budget Workshop held November 14, 2016 and the Regular Meeting of the City Council held November 16, 2016.

Councilwoman Killian proposed that the minutes for the budget presentation should be amended by deleting an unnecessary sentence of page 2, paragraph 2.

Councilman McCartney made a motion to approve the minutes as revised, seconded by Councilwoman Hurd, and unanimously carried.

5. Issues Update/Old Business.

City Manager Serrano stated that the City was still working to try and fix the Dearborn Avenue seawall. He also announced that 23-25 Purchase Street would be demolished, closing down that area of Purchase Street on December 8, 9, and 12 from 5:00 A.M. to 7:30 A.M.

9. Consideration regarding the request from the Rye Town Park Commission for \$50,000 in funding from the City of Rye for the Rye Town Park's Capital Account for FY 2015.

Mayor Sack explained the issue and stated that in the past several years, there was conversation the City of Rye budget approximately \$50,000 to make up for any potential shortfall in the Rye Town Park budget. If there is no shortfall, the money can return to the City's general fund. If the City does not need the \$50,000, the Council could consider transferring the money and using it for capital improvements. Mayor Sack said that due to changes in circumstances with Rye Town Park, there may be a shortfall in 2017 that would require these funds. He recommended holding onto this funding, as the future is uncertain.

Councilwoman Killian agreed with this recommendation. She said it was important to make budgetary decisions in the best interest of the City of Rye, and it is prudent for the City to keep the money at this time.

City Comptroller Fazzino stated that the actual amount carried over would be \$38,000.

Mayor Sack made a motion, seconded by Councilwoman Killian, to deny the request for funding from the Rye Town Park Commission.

ROLL CALL

AYES: Mayor Sack, Councilmembers Bucci, Hurd, Killian, McCartney, Mecca and Tagger-Epstein
NAYS: None
ABSENT: None

10. Resolution to transfer \$100,000 from the Contingency account and appropriate \$200,000 from the General Fund, Fund Balance to the Legal Department to fund legal services.
Roll Call.

City Manager Serrano stated that there is ongoing litigation ongoing that the City is currently facing. Councilwoman Killian stated that she was surprised about the \$166,000 that had been used to defend the City in the Save the Sound lawsuit. There was further discussion about Save the Sound and the litigation that has been ongoing for one year, in which nine municipalities, the County and the State are attempting to work together to propose a resolution.

There was also a brief review of other unanticipated legal matters, including Crown Castle and Playland.

Councilman Mecca made a motion, seconded by Councilman McCartney, to transfer \$100,000 from the Contingency account and appropriate \$200,000 from the General Fund, Fund Balance to the Legal Department to fund legal services.

ROLL CALL

AYES: Mayor Sack, Councilmembers Bucci, Hurd, Killian, McCartney, Mecca
and Tagger-Epstein
NAYS: None
ABSENT: None

11. Resolution to appropriate \$30,000 from the General Fund, Fund Balance to the City Council Consultant Account to fund traffic engineering services for the United Hospital redevelopment project.
Roll Call.

City Manager Serrano said that this appropriation would bring the City up-to-date with the current invoices, and also anticipate costs prior to the end of the year. He announced that there would be a public hearing on the FEIS prior to the end of the year.

Councilman Mecca made a motion, seconded by Councilman McCartney to appropriate \$30,000 from the General Fund, Fund Balance to the City Council Consultant Account to fund traffic engineering services for the United Hospital redevelopment project.

ROLL CALL

AYES: Mayor Sack, Councilmembers Bucci, Hurd, Killian, McCartney, Mecca
and Tagger-Epstein
NAYS: None
ABSENT: None

12. Residents may be heard on matters for Council consideration that do not appear on the agenda.

There was nothing discussed under this agenda item.

13. Public Hearing to amend local law Chapter 194, "Water", of the Rye City Code by amending Section §194-1, "Conservation in times of emergency", to give the City Manager the authority to declare conservation in times of water emergency.

This item was tabled for a later date.

14. Public Hearing on the proposed revision to the Rye City Charter to rescind Article 12 "Police Department" and Article 13 "Fire Department" and create a new Article 12 "Department of Public Safety" and to create a new position of "Commissioner of Public Safety" which position shall have charge and supervision of the Police and Fire Departments.

Councilman Mecca made a motion, seconded by Councilman McCartney, to open the public hearing.

There were no comments.

Councilman Mecca made a motion, seconded by Councilwoman Tagger-Epstein, to adjourn the matter to December 21, 2016.

15. Continuation of the Public Hearing regarding the request submitted by Crown Castle to amend their agreement with the City and for the installation of additional locations to their existing wireless telecommunications located in the City of Rye.

Corporation Counsel Wilson announced that the parties had agreed to extend the tolling agreement to allow for final SEQRA determination to January 25, 2017. No final action will be taken at tonight's meeting regarding SEQRA or the actual application. The City will continue the SEQRA process as well.

Chris Fisher, Cuddy & Feder, Crown Castle's attorney, addressed the Council. He said that since the last public hearing, the applicant had provided new materials to the City. This includes a number of additional photo simulations. He then stated that with the materials submitted from the small citizens group, the applicant and its attorney do not agree with the group's analysis of the law. He said that Crown does not believe that the residents' proposed equipment falls within the confines of the law. He then discussed the DAS node cabinet, which he said was carefully designed under New York State and federal guidelines. In terms of the property value analysis, he said the applicant commissioned a study by Lane Appraisals to do this analysis. The appraisers came back and stated that there is no impact on property values.

Dan Richmond, Zarin and Steinmetz, addressed the Council. He introduced Susan Raybold and Jon Edwards from CityScape, and Kelly Solon of architecture firm Solon & Murdock. He said that their presentation would show that Crown Castle's proposal is not the least intrusive means. He said the applicant must show that a gap exists and that they are proposing to fill a gap in coverage with the least intrusive means. He stated that he disagreed with Crown Castle's assertion that they may enter the right-of-way as-of-right. He said that the Council should require Verizon to provide a legitimate gap analysis, rather than Crown Castle. Mr. Richmond then said that the public has not seen a contract between Crown and Verizon with regard to Verizon's request. He stated that Crown's analysis of gaps in Rye have been incomplete "drive test data." He then said that the means put forth have not been the least intrusive. He also urged the Council to require SEQRA review. He said that SEQRA requires that the City consider the long and short-term impacts.

Mayor Sack stated that the City of Rye has retained its own attorney and consultant engineer to assist with these issues. The City has made its consultants

available to the residents' group and their counsel. Mayor Sack said that the City is taking advice from its own attorney and consultant. The Council remains hopeful that discussions continue.

Councilwoman Bucci asked what materials the residents' group had asked for that they have not been provided. Mr. Richmond responded that they had not been provided design data of propagation modeling that would demonstrate a gap in coverage.

Mr. Richmond and the representatives from CityScape presented photos to the counsel of 70 to 100 foot towers, on both public and private property, as an alternative to DAS nodes on existing Con Ed polls. Mr. Richmond said that they believed this alternative is far less intrusive than Crown's DAS nodes. He thanked the Council for providing the opportunity to be heard.

Susan Raybold and Jon Edwards, CityScape, addressed the Council. Ms. Raybold stated that their organization provides informational services to local government on master planning and zoning with telecommunications. She discussed the history of telecommunications and 1G technology, and how that technology has evolved. She explained the difference between concealed and non-concealed facilities. She gave a detailed overview about gap analyses and used several examples.

Jon Edwards, P.E., CityScape, stated that they were retained by residents to analyze Crown Castle's application. He said that what was provided was drive test data, rather than a complete analysis of gaps in coverage. Councilwoman Hurd asked if Mr. Edwards would typically see is a coverage map, supported by drive test data, but not solely drive test data. Mr. Edwards responded in the affirmative.

Councilwoman Bucci asked if CityScape had previously worked with an intermediary like Crown, or with the actual carrier. Mr. Edwards responded that they had worked with mostly carriers. He said they did receive information from Verizon called "polygons" regarding gaps and service. He then said that Crown has proposed a DAS system, in which there are many because height is important. Mr. Edwards said that Crown also has not provided an "after" analysis map that would project service levels after the nodes are installed.

Mr. Edwards said that they were proposing "slick sticks" as an alternative. They can be engineered to have several carriers within one piece of equipment.

Councilwoman Bucci asked about the power levels. There was discussion about the spectrum of power and various frequencies to reach users.

Councilwoman Hurd asked about the facilities. She said was curious about any kind of equipment at the base at the ground level. There was a discussion about the possible footprint of the slick stick. Councilwoman Hurd asked if CityScape ever combined different types of facilities throughout municipalities. Mr. Edwards responded that they have seen DAS as a supplement to monopoles. Councilwoman Hurd asked if

they had details on distance of the sticks from residential properties. Mr. Edwards responded that the closest residence was 300 feet, specifically the equipment proposed in the residents' plan at Disbrow Park.

Councilwoman Tagger-Epstein said that some of the properties that CityScape and the residents picked are private/ commercial entities. She said that the City has no property rights there, and as a result asked if there was a backup plan being proposed. CityScape representatives responded that the plan could be altered.

Mayor Sack thanked CityScape for this proposal for comparative purposes. He said that one of the themes within this public hearing has been visual impact of the technology. He asked how it is that CityScape reconcile the visual impacts of this plan versus the existing proposal.

Councilwoman Killian asked about multiple users on one pole. Councilwoman Bucci followed up and asked about the impacts of collocation and height of pole.

Susan Raybold, CityScape, responded that these issues could be resolved within the City's zoning ordinances.

Councilwoman Killian said that if these large towers were approved, and then the City decided that they were not favorable, a precedent would have already been set to accept this type of technology.

Kelly Solon, Solon & Murdock, 81 Main Street, White Plains, New York, addressed the Council. She showed a rendering that she made to show what she thought collocation would look like. She argued that the collocated DAS pole would be displeasing aesthetically. There was discussion over the possible footprint and width of a DAS node.

Councilman Mecca clarified that the Council needed to understand the footprint of the proposed slick stick pole and the worst case scenario. Councilwoman Tagger-Epstein said that for all proposals, it is important to understand the appearance and placement of each individual site.

Ms. Raybold said that the slick stick is one of many designs. Mayor Sack thanked her for her presentation.

Paul Benowitz, Rye resident, stated that he objected to the residents' proposal in Disbrow Park. He said that his is the home closest to Disbrow Park. He read a statement expressing his opposition to the residents' alternative put forth with CityScape and Zarin and Steinmetz. He stated that he felt it was important to preserve the quaint beautiful views of Rye. He reminded the Council that there was a proposal 12 years ago for a cell tower at the same location, which was rejected by the City.

Kristin Jauiz, 20 Old Post Road, addressed the Council. She said she was there to stand up for her friends, neighbors and community. She felt that the “burden of proof” had not been met by Crown Castle. She said that cell towers are a bad idea with overwhelming opposition. She said that she felt that Crown had not followed existing wireless law and that it was clear that Verizon and Crown were acting in their own best interests. She asked the Council to represent the needs of the community.

Sam Powers, 12 Larkspur Lane, stated that he works in the Finance area of the telecommunications industry. He stated that the City needs more out of Crown. He said there needs to be better consideration of the long-term effects. He asked for the formation of a citizens group. He stated it was important to be proactive at this time.

Councilwoman Hurd commented that the City does not have any mention of telecommunications in the 1985 Master Plan. She said she appreciated the comments about the scope and future of telecommunications in Rye.

Diana Page, 86 Halsted Place, addressed the Council. She said she is worried about the precedent that this may set. She stated that her takeaway from CityScape’s proposal is that there are alternatives.

James Alban-Davies, 211 Kirby Lane, thanked the Council for the opportunity to speak. He encouraged the Council to deny the request and make history for Rye. He asked that the Council support the residents who oppose the DAS nodes. He stated that Councilwoman Hurd had dealt with unfair criticism from her Councilmembers.

Mayor Sack responded. He stated that he took issue with the unfair commentary issued by Mr. Alban-Davies, and asked the residents to not applaud a statement of this nature.

Bjorn Tuypens, 717 Forest Avenue, stated that he objected to the Appraisers report and methodology.

Ben Stacks, 15 Sonn Drive, stated that he appreciated Mr. Benowitz’s comments. He stated that he is 25 feet from an existing tower. He stated he opposed the application.

Joshua Cohn, 24 Green Avenue, addressed the Council. He mentioned the Pelham case, discussing the property value issue. He read a letter from the property owner from Pelham who had appeared previously before the Council. He stated that he opposed the applicant’s proposal. He stated that he supported the residents’ proposal for 100 foot towers throughout the City of Rye. He encouraged the Council to give the community all information.

There was a five minute recess.

Mr. Cohn stated that there was an antenna on the premises at Disbrow Park, and near I-95. He said that the City should know that there has been violation of Chapter 196

at these sites. He said the citizens' proposal showed an alternative to DAS nodes. He urged the City to approve plans that were only by the least intrusive means.

Vreni Rooluner, 5 Purdy Avenue, discussed the possible negative health effects of the applicant's proposal.

Tricia Agosta addressed the Council. She discussed gaps in coverage and bandwidth. She discussed the citizens' proposal and the 100 foot towers that she supports. She stated that there was a lack of information. She stated that the existing right-of-way use agreement is unenforceable. She felt upset that she did not have access to the City's attorney.

Chris Fisher, Cuddy & Feder, addressed the Council again. He thanked the citizens and Council for their comments. He demonstrated various photo simulations to the Council. He said that they would be subject to their pole attachment agreement with Con Edison, which is regulated heavily. He discussed the cabinets and aesthetics being proposed. He stated that the City may control the future of collocation through the current right-of-way use agreement. He then discussed the differences between a large pole and a DAS node in terms of the equipment and footprint. He referenced the analysis of "need" and the data that is or is not available. He clarified that the gap analysis at 21,000 MGHZ was provided to the City. He also referenced a previous phone call in which the residents' attorney and City's attorney was present, in which information was discussed. He said that the notion that Crown Castle does not go hand-in-hand with Verizon is completely false. Lastly, Mr. Fisher said that the applicant believed it had more than adequately shown the gap in coverage.

Councilwoman Hurd asked for a copy of the agreement between Verizon and Crown Castle. Councilwoman Killian stated that it was important to understand the definition of a gap in coverage.

Mr. Fisher stated that he did not agree that it was Crown's burden to prove the gap in coverage, and that the FCC had not provided a standard for a "gap in coverage." He said that the City Council was being asked to ascertain the application under the state and local law. He clarified that this is not a 5G application. He stated that his client has not been disingenuous during this proceeding.

Corporation Counsel Wilson discussed the SEQRA process with regard to Crown Castle's application. She said that the next step that City Council as lead agency would need to decide whether the action is a Type 1 or Type 2 action. She advised the Council to classify the application as an unlisted action of SEQRA, as it does not fall within either category. The next step is to clarify it as an unlisted action.

Mr. Fisher stated that the applicant feels that it is a Type 2 action.

Councilman McCartney asked if the City had sufficient information to make a determination with regard to SEQRA. Corporation Counsel Wilson responded that

overall, she felt that the City did have enough information, but that it should gather more information about aesthetics from the City's consultant.

Mayor Sack made a motion, seconded by Councilwoman Tagger-Epstein, to adopt the following resolution:

WHEREAS, the City Council of the City of Rye (the "City Council") received an application from Crown to amend the exiting RUA to allow for a different type of equipment within the City's right-of-way; AND

WHEREAS, the City Council previously declared its intent to be the Lead Agency under the State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, the City Council has, and continues to, review the Proposal and the documentation in order to evaluate the Proposal's impacts to the City; now therefore, be it

RESOLVED, that the City Council hereby classifies the Proposal as an "Unlisted" action under SEQRA; and be it further

RESOLVED, that the City Council, as lead agency, finds that it will continue to review the Proposal and any modifications to same by Crown before it makes a final determination under SEQRA.

The Council voted unanimously to uphold the resolution.

Mayor Sack stated that based on the budget priorities, he recommended adjourning the public hearing to the first meeting in January.

Mayor Sack made a motion, seconded by Councilman Mecca, to adjourn the public hearing to January 11, 2017.

16. Consideration to review a SEQR determination in connection with the request submitted by Crown Castle to amend the Right of Way Use Agreement and the installation of additional locations to their existing wireless telecommunications located in the City of Rye.

Councilman McCartney made a motion, seconded by Councilman Mecca and unanimously carried, to adjourn the public hearing to January 11, 2017.

17. Miscellaneous communications and reports.

There was nothing discussed under this agenda item.

18. New Business.

Councilwoman Hurd said that she previously mentioned in a Council Corner newspaper article that she would be moving a resolution to provide all information to the public from potential telecommunications applicants. She circulated the draft resolution.

Mayor Sack stated that the City Council and staff have complied with the Freedom of Information law. Councilman McCartney stated that the Council was fortunate to have several attorneys on staff, who can use sound judgment about information and Freedom of Information. Councilwoman Killian stated that she did not have enough information to vote at this time on a resolution. Councilman Mecca also supported deferring certain issues to City staff.

Councilwoman Hurd made a motion, seconded by Councilman Mecca to adopt a resolution:

WHEREAS, the public has demonstrated a vital interest in all aspects of the proliferation of wireless facilities in Rye, and;

WHEREAS, it is likely that the City of Rye will continue to be approached by providers of wireless facilities about siting of wireless facilities within the City of Rye (whether it be on City, County or State owned property), and;

WHEREAS, in the interest of providing access to information to residents on issues of vital public interest, and;

WHEREAS, the publication of information on the City of Rye website is a cost effective way to make information public, now therefore be it;

RESOLVED, that the City of Rye will post on a designated tab on its website any and all documents received relating to the proposed installation (including modification) of wireless facilities within the City of Rye.

ROLL CALL

AYES: Councilwoman Hurd
NAYS: Councilmembers Bucci, McCartney, Mecca, Mayor Sack
ABSTAIN: Councilmembers Killian and Tagger-Epstein
ABSENT: None

The resolution failed.

19. Adjournment.

There being no further business to discuss, Councilman Mecca made a motion, seconded by Councilman McCartney and unanimously carried, to adjourn the regular meeting of the City Council at 12:01 P.M.

Respectfully submitted,

Carolyn E. D'Andrea
City Clerk



CITY COUNCIL AGENDA

NO. 5

DEPT.: City Council

DATE: December 21, 2016

CONTACT: Mayor Joseph A. Sack

AGENDA ITEM: Issues Update/Old Business

FOR THE MEETING OF:

December 21, 2016

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That an update be provided on outstanding issues or Old Business.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND:

- Update on the Dearborn Avenue Seawall Project



CITY COUNCIL AGENDA

NO. 6

DEPT.: City Manager

DATE: December 21, 2016

CONTACT: Marcus Serrano, City Manager

AGENDA ITEM: Continuation of the Public Hearing to adopt a Local Law to override the State enacted tax levy limitation.

FOR THE MEETING OF:

December 21, 2016

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Mayor and the Council hold a Public Hearing to adopt a Local Law to override the State enacted tax levy limitation.

IMPACT: ☐ Environmental ☒ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND: New York State enacted a 2% tax cap on June 24, 2011. A provision in the law allows a municipality to override this tax cap under certain provisions including:

- Local governments may override the tax levy limit only by first passing a local law that allows for the tax levy limit to be exceeded.
- This override vote requires a 60 percent vote of the total voting power of the governing body to pass.
- In a case where a weighted vote is used to pass the budget, the override will require a 60 percent weighted vote of the local government's governing body.
- The override vote must precede the vote on adoption of the budget although both votes may occur on the same day.

See attached draft Local Law.

CITY OF RYE

LOCAL LAW NO. ____ FOR THE YEAR 2016

**A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED
IN GENERAL MUNICIPAL LAW §3-C**

Be it enacted by the City Council of the City of Rye as follows:

Section 1. Legislative Intent: It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the City of Rye pursuant to General Municipal Law §3-c, and to allow the City of Rye to adopt a budget for the fiscal year beginning January 1, 2017 and ending December 31, 2017 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law §3-c.

The City Council finds that this local law would provide the City the flexibility it may need when it adopts the 2017 budget. Thus, the City Council of the City of Rye finds that it is in the best interests of the City to enact the local law.

Section 2. Authority: This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes the City Council to override the tax levy limit by the adoption of a local law approved by vote of at least sixty percent (60%) of the City Council.

Section 3. Tax Levy Limit Override: The City Council of the City of Rye, County of Westchester is hereby authorized to adopt a budget for the fiscal year 2017 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

Section 4. Severability: If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date: This local law shall take effect immediately upon filing with the Secretary of State.

The Property Tax Cap

Guidelines for Implementation



The information presented is current as of this publication's revision date.

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On June 24, 2011 the property tax cap was signed into law (see Chapter 97 of the NYS Laws of 2011). Below is guidance to assist local governments in the implementation of the property tax cap.

Key Components of the Tax Cap

✓ **What is the property tax cap?**

The tax cap law establishes a limit on the annual growth of property taxes levied by local governments and school districts to two percent or the rate of inflation, whichever is less.

✓ **Who is subject to the tax cap?**

The cap applies to all independent school districts outside of the Big Five Cities (i.e. dependent school districts) and to all local governments including counties, cities, towns, villages and special districts (except those special districts noted below). The cap does not apply to New York City.

✓ **Are there exceptions to the tax cap?**

There are limited, narrow exclusions to the cap, including certain costs of significant judgments arising out of tort actions and unusually large year-to-year increases in pension contribution rates.

✓ **Is there an override mechanism to the tax cap?**

The tax levy cannot exceed the cap unless 60 percent of voters (for school districts) or 60 percent of the total voting power of the governing body (for local governments) approve such increase.

✓ **When is the tax cap effective?**

The cap first applies to local fiscal years beginning in 2012. Local budgets that commenced in 2011 but conclude in 2012 are not affected.

Technical Information

I. Applicability

The tax cap applies to all independent school districts and all local governments outside of New York City, and is intended to capture the broad range of property taxes levied in New York. Accordingly, the tax cap applies broadly to property taxes that support all local governments, including special districts that are independently governed as well as special districts that are established, governed and administered by another municipality. Where a local government, such as certain special districts, is wholly integrated within another local government – i.e. the special district is established, administered and governed by the board of that other local government, and is supported by a tax levy imposed by and under the authority of that other local government – then any property tax being levied by the overarching local government to support the operations of the subordinate special district is considered part of the tax levy of the overarching local government for purposes of administering the tax cap and override vote, if any. The following entities are covered by the cap:

- All Counties (except those within NYC)
- All Cities (except NYC)
- All Towns
- All Villages
- All Fire Districts
- School Districts (including common, union free, central, central high school, and city school districts, but excluding NYC and the Big Four¹)
- Special Districts (including, but not limited to sewer, water, library and fire protection districts). In the case of special districts the tax cap applies as follows:
 - The tax levy of a special district (such as a water or sewer district) that (i) has a separate independent elected board, and (ii) has the authority to levy a tax, or can require a municipality to levy a tax on its behalf, **is subject to the tax levy limit.**
 - The tax levy of a special district that (i) has a separate independent board appointed by the governing body of another local government, and (ii) has

¹ The budgets for the school districts in the Big Four Cities are within the cities' budgets, and those school districts have no separate taxing authority. The portion of the tax cap law applicable to local governments applies to the budgets of the Big Four Cities.

the authority to levy a tax, or can require a municipality to levy a tax on its behalf, **is subject to the tax levy limit.**

- To the extent the budget of a special district, such as a library district, is comprised of revenues generated by its own taxing authority, or by a tax levy of another local government that the local government is required to impose on behalf of that special district, those tax revenues fall within the tax levy limit of the special district. To the extent the budget of that special district is comprised of revenues generated by the taxing authority of another local government (such as a town or village), and that local government is not required to impose that tax levy on behalf of the special district, those tax revenues fall within the tax levy limit of the town or village.
- A tax levy that supports the operations of a special district that is established, administered and governed by the governing body of another local government— such as a tax levy imposed by a town or county board, under its authority, to support an improvement district created, administered and governed by that town or county board - is part of that town or county's tax levy, and **is to be applied to the tax levy limit of that town or county** – it is not to be separately reported by the special district.
- A special district that raises revenue solely through fees based on use **is not subject to the tax levy limit.**

II. Quantity Change

The Quantity Change Factor adjusts the tax levy limit to reflect an increase in the full value of taxable real property in a local government due to physical or quantity change – i.e. new growth or significant additions to existing properties.

- The Commissioner of Taxation and Finance will issue a Quantity Change Factor for all local governments that have experienced an increase in the full value of taxable real property due to a physical or quantity change.
 - Increases in full value due to changes in assessment only do not constitute a basis for a quantity change factor. A physical or quantity change does not result from the splitting or merging of parcels.
 - Property returning to the tax rolls after the expiration of a PILOT does not constitute a basis for a Quantity Change Factor.

III. Inflationary Factor

The growth in annual levy is limited to the lesser of 2 percent or the Consumer Price Index (CPI), subject to certain limited exceptions and adjustments. For the purposes of the cap the applicable CPI will be the unadjusted "All Items Consumer Price Index for All Urban Consumers" (CPI-U), the broadest and most comprehensive measure released by the Bureau of Labor Statistics. The CPI-U is released on a monthly basis, generally in the third week of the subsequent month.

Based on the most recently released calendar of release dates, the following table illustrates when the inflationary factor will be available for use by local governments in preparing their levy limit for upcoming budgets.

Chart 1. Timing of the Release of CPI-U Index for the Property Tax Cap Inflation Factor

Fiscal Year beginning	CPI-U period ends	CPI-U released
January 1, 2012	June 30, 2011	July 15, 2011
April 1, 2012	September 30, 2011	October 19, 2011
June 1, 2012	November 30, 2011	December 15, 2011
July 1, 2012	December 31, 2011	January 14, 2012

IV. Calculating the Tax Levy Limit

Each local government shall calculate the tax levy limit for the coming year as follows:

- First, determine the total amount of **taxes levied**, not collected, in the prior fiscal year.
 - Property taxes levied by a town to fund the town budget under its taxing authority fall within the town's tax levy limit.
 - Property taxes levied by a town on behalf of another local government (e.g. fire district) pursuant to the taxing authority of that other local government fall within that other local government's tax levy limit.
- Second, if a "tax base growth factor" has been reported to the local government by the Commissioner of Tax and Finance, the total amount of taxes levied for the prior year is to be multiplied by the growth factor.
- Third, add any PILOTs that were receivable in the base year. The total amount of PILOTs receivable is to be included in the calculation of the tax levy limit. No adjustment is permitted.

- Fourth, beginning for fiscal year 2013, subtract the tax levy necessary to support expenditures for tort actions for any amount that exceeds 5 percent of the local government's tax levy in the prior fiscal year. There is no subtraction for these expenditures in the calculation for the 2012 fiscal year.
- Fifth, multiply the result by the allowable levy growth factor, which will be provided by the Office of the State Comptroller.
- Sixth, subtract any PILOTs receivable in the coming year. The total amount of PILOTs receivable is to be included in the calculation of the tax levy limit. No adjustment is permitted.
- Seventh, beginning with fiscal year 2013 budgets, add any available carryover from the prior fiscal year. There is no available carryover for the 2012 fiscal year.
- Eighth, unused exclusions associated with growth in pension costs or tort judgments may not be carried forward.

V. Filing the Levy Limit Calculation

Each local government shall submit to the Office of the State Comptroller any information necessary for calculating the tax levy limit for the coming fiscal year prior to adopting a budget for that year. The Comptroller's office will provide additional information on the form and manner in which such submissions are to be made.

- A special district whose tax levy is determined by the board of another local government (such as a town or county board) does not have to separately submit the above information to the Office of the State Comptroller. The tax levy for that special district is part of that town or county's tax levy, is to be applied to the tax levy limit of that town or county, and is to be included within the information submitted by that town or county to the Office of the State Comptroller.
- A special district that raises revenues solely through fees based on use is not subject to the tax levy limit, and therefore does not have to submit the above information to the Office of the State Comptroller.
- All other special districts are each responsible for ensuring that its tax levy limit is calculated and reported in an accurate and timely manner.
- A special district may authorize another local government that handles its administrative affairs to calculate and report the tax levy limit on its behalf.

VI. Limited Exclusions

The tax cap law allows for a limited number of exclusions to the tax levy limit. These exclusions are:

- **Torts.** Local governments can increase their property tax levy beginning for fiscal year 2012 above the levy limit (the base year levy as adjusted for growth and inflation) for costs resulting from court orders or judgments against the local government arising out of tort actions to be paid in the coming fiscal year. The adjustment can only be made for costs of those court orders or judgments that exceed 5 percent of the total prior year's tax levy. Tax certioraris and breach of contract actions are among the types of actions that **are not** tort actions.
- **Pensions.** The pension exemption is triggered if the annual growth in the average actuarial contribution rate for the Employees' Retirement System (ERS), the Police and Fire Retirement System (PFRS), or the normal contribution rate for Teachers' Retirement System (TRS) exceeds two percentage points. Under the exemption, pension costs associated with the annual growth in the employer contribution rate above two percentage points are exempted from the cap.
 - **Variance in Plans.** In years in which the pension exclusion is triggered, the pension exemption rate is the same percentage of salary (growth in the system average actuarial rate minus two percentage points) for all employers.

Determining the Pension Exclusion

- In accordance with the employer contribution rates recently promulgated by the Office of the State Comptroller, the pension exemption will be triggered for both ERS and PFRS in local governments' FY 2012 budgets. The ERS average contribution rate is increasing by 2.6 percentage points and the PFRS average contribution is increasing by 4.2 percentage points. As a result, the ERS exemption is 0.6 percentage points and the PFRS exemption is 2.2 percentage points. These exemptions are calculated by subtracting two percentage points from the year-to-year increases in the ERS and PFRS average contribution rates (2.6 and 4.2 percentage points, respectively, for FY 2012). A similar exemption is allowed for local governments with TRS pension costs.
- For a hypothetical employer with a \$1 million ERS salary base and a separate \$1 million PFRS salary base, the ERS exemption would be calculated by multiplying 0.6 percent by the \$1 million salary base (\$6,000), and the PFRS exemption would be calculated by multiplying 2.2 percent by the separate \$1 million salary base (\$22,000), for a total pension exemption of \$28,000. All other pension costs fall within the property tax cap limitation.
- The system average contribution rate is to be utilized in calculating the amount of the exemption, even when the system average contribution rate is different than the actual contribution rate that the local government pays for its ERS pension plans. For example, if the ERS average contribution rate is increasing by 2.6 percent, and a local government's actual ERS plan contribution rate increased by only 2 percent, that local government would still be eligible to exclude 0.6 percent of its ERS salary base of \$1 million (or \$6,000). On the other hand, in years where the ERS average contribution rate increased by 3 percent and a local government's actual contribution rate increased by 3.5 percent, that local government can only exempt an amount equal to 1 percent of its \$1 million ERS salary base (or \$10,000).

- **Adjustments and Reconciliations.** Salary reconciliations and adjustments are not to be factored into the pension exclusion.
- **Contribution Rates.** The system average actuarial contribution rate is the average contribution rate paid by all employers in ERS and PFRS. It is published annually by the Office of the State Comptroller.
 - For fiscal years beginning in 2012, the Office of the State Comptroller recently published the ERS and PFRS contribution rates. TRS first published its estimated employer contribution rate in February 2011 for fiscal year 2012.
 - Local governments should use the ERS and PFRS contribution rates recently promulgated by the Office of the State Comptroller to calculate their exclusion for fiscal year 2012. Local governments with TRS pension costs should use the TRS contribution rate formally adopted in August 2011 (which was first published as an estimate in February 2011) for their FY 2012 budgets.
 - In future years, no local government may assume a pension exclusion until the Office of the State Comptroller officially promulgates the ERS and PFRS contribution rates. Accordingly, local governments will not be eligible to take advantage of the pension rate exclusion unless they use these contribution rates. If a local government's local law requires an earlier budget calculation and adoption, the local law must be changed with respect to when the budget is due in order to utilize the pension exception.
- **Salary Base.** The Office of the State Comptroller will provide local governments with their estimated salary bases to calculate their ERS and PFRS pension exclusions. Local governments with TRS pension costs must use their own salary base estimates to determine their TRS pension exclusion.
 - For ERS and PFRS, local governments must use the salary base projected by the Office of the State Comptroller in the calculation of their pension exclusion.
 - For TRS, local governments must continue to use their own initial salary base projections.
- **Amortization.** Local governments utilizing amortization may not levy for the pension exclusion.

VII. Erroneous Levies

Excess levies that are collected due to calculations that are inconsistent with the statute are required to be placed in reserve.

- The law provides for no minimum threshold before funds are placed in reserve, although the Office of the State Comptroller may issue guidelines in this area.
- The law requires that cash be put in reserve.
- If the levy exceeds the tax levy limit due to technical or clerical errors, the excess amount shall be placed in reserve in accordance with Office of the State Comptroller requirements.
- If the Office of the State Comptroller finds upon audit that a local government has levied in excess of the tax levy limit, the local government must place an amount equal to the excess amount of the levy in reserve.

VIII. Overrides of the Tax Levy Limit

Local governments **may override the tax levy limit only by first passing a local law** (or a resolution in the case of a fire or other special district) that allows for the tax levy limit to be exceeded.

- This override vote requires a 60 percent vote of the total voting power of the governing body to pass.
 - In a case where a weighted vote is used to pass the budget, the override will require a 60 percent weighted vote of the local government's governing body.
 - The override vote must precede the vote on adoption of the budget although both votes may occur on the same day.
- The local government may exercise reasonable discretion in drafting a local law or resolution that overrides the tax levy limit, but any such local law or resolution must contain language that clearly overrides the levy limit.
- The local governing body may adopt the budget right after adopting the local law. If the Secretary of State rejects the local law for filing because of technical reasons, and those technical reasons are not cured within a reasonable period of time, the amount of the tax levy that exceeded the tax levy limit (other than a levy for those items excluded from the tax levy limit) shall be placed in reserve pursuant to paragraph 6 of section 3-c of the General Municipal Law.

- In the event that a local government successfully overrides the tax levy limit, the base for the following year's tax levy limit calculation is the amount that was levied in the prior year inclusive of the override amount, less any amounts to be subtracted as set forth in the statute.
- In the case of a special district that requires a popular vote to pass the budgetary increase, the 60 percent voting requirement only applies to the board's vote, not to the popular vote (where only a majority vote continues to be required).

Example: Non-Charter Counties Budget Process

- The budget officer of a non-charter County has to submit a tentative budget by November 15, but may be required by the County's board of supervisors to submit that tentative budget by October 1.
- Members of the committee of the board of supervisors designated or created to review the tentative budget are entitled to investigate and inquire about the estimate of any administrative unit or the request for an appropriation of any authorized agency, and are entitled to attend all hearings conducted by the budget officer.
- The board of supervisors of that County has until December 20 to adopt a budget.
- Accordingly, that County has between 5 to 11 weeks to enact a local law that overrides the tax levy limit (which local law has to be upon the desks or tables of the board of supervisors for at least 7 calendar days, excluding Sundays, unless there is a message of necessity).
- As is required for all local laws, the proposed local law that overrides the tax levy limit is subject to a public hearing on five days notice, unless a local law prescribes a different notice requirement.
- See attached charts entitled **"Timeline for Tentative County Budget that Requires Tax Cap Override"** and **"Timeline for Tentative County Budget as Amended by Board of Supervisors that Requires Tax Cap Override."**

Example: Town Budget Process

- The town clerk of a town has to submit a tentative budget to the town board on or before September 30 (or on or before October 30 for towns in Westchester and Monroe Counties).
- A town board has until November 20 (or December 20 for towns in Westchester and Monroe Counties) to adopt the budget.
- Accordingly, towns in counties other than Westchester and Monroe have more than 6 weeks to enact a local law that overrides the tax levy limit (which local law has to be upon the desks or tables of the town board members for at least 7 calendar days, excluding Sundays, unless there is a message of necessity). Towns in Westchester and Monroe Counties have nearly 6 weeks to pass such a local law.
- As is required for all local laws, the proposed local law that overrides the tax levy limit is subject to a public hearing on five days notice, unless a local law prescribes a different notice requirement.
- See attached charts entitled “**Timeline for Tentative Town Budget that Requires Tax Cap Override**” and “**Timeline for Tentative Town Budget as Amended by the Town Board that Requires Tax Cap Override.**”

IX. Budget Process: Final Adoption of a Budget

A budget officer, or chief executive, may prepare a tentative budget that requires a tax levy in excess of the levy limit. However, the governing body cannot, without first complying with override requirements, (i) adopt a budget that requires a levy in excess of the tax levy limit, or (ii) impose or cause the imposition of a tax levy to the extent that a budget requires a levy in excess of the levy limit.

X. Special Circumstances: Consolidation, Dissolution & Transfer of Functions

When significant changes are made to the structure or governance of a local government, the tax levy limit calculation will need to be determined by the Office of the State Comptroller.

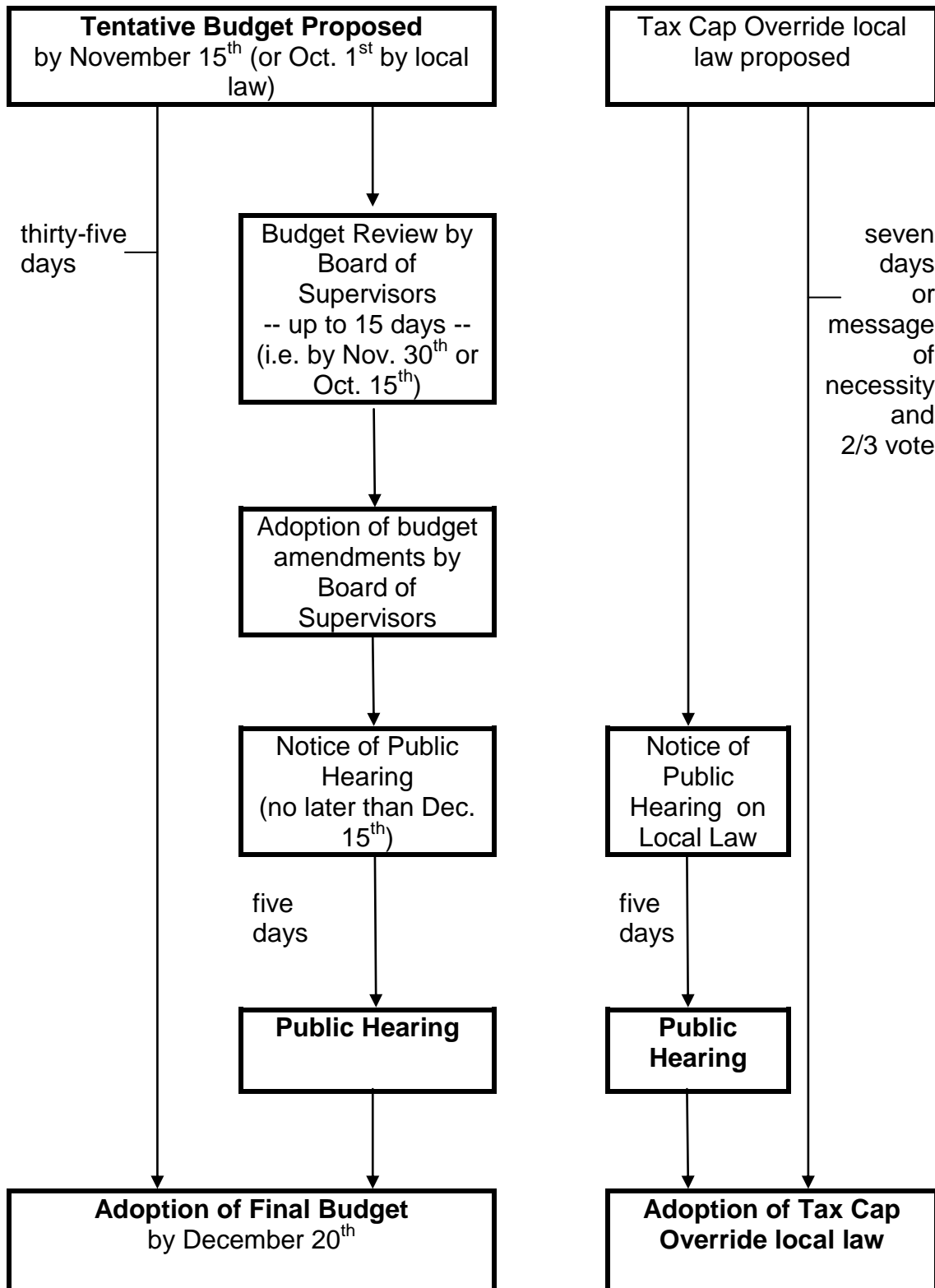
- **Consolidation.** When two or more local governments consolidate, the Office of the State Comptroller will calculate the tax levy limit for the first year after the consolidation. This calculation will be based upon the prior year tax levy limits of both local governments, but other factors pertaining to the consolidation may also be considered.

- **Transfer of Functions.** If a local government determines that it is in the best interest of the citizens to transfer the function for a governmental activity (such as policing) to another local government, the Office of the State Comptroller shall determine the costs and savings of the associated function for both local governments. This determination will be provided to the local governments so that the appropriate adjustments can be made to their tax levy limit calculations.
- **Dissolutions.** When a local government dissolves, the Office of the State Comptroller will calculate the tax levy limit for the local government that assumes the debts, liabilities and obligations of the former local government. This calculation will be based upon the prior year tax levy limits of both local governments, but other factors pertaining to the dissolution may also be considered.
- **New Local Governments.** The tax levy limit does not apply to the first fiscal year of a newly established local government (which is not the result of a consolidation or dissolution).

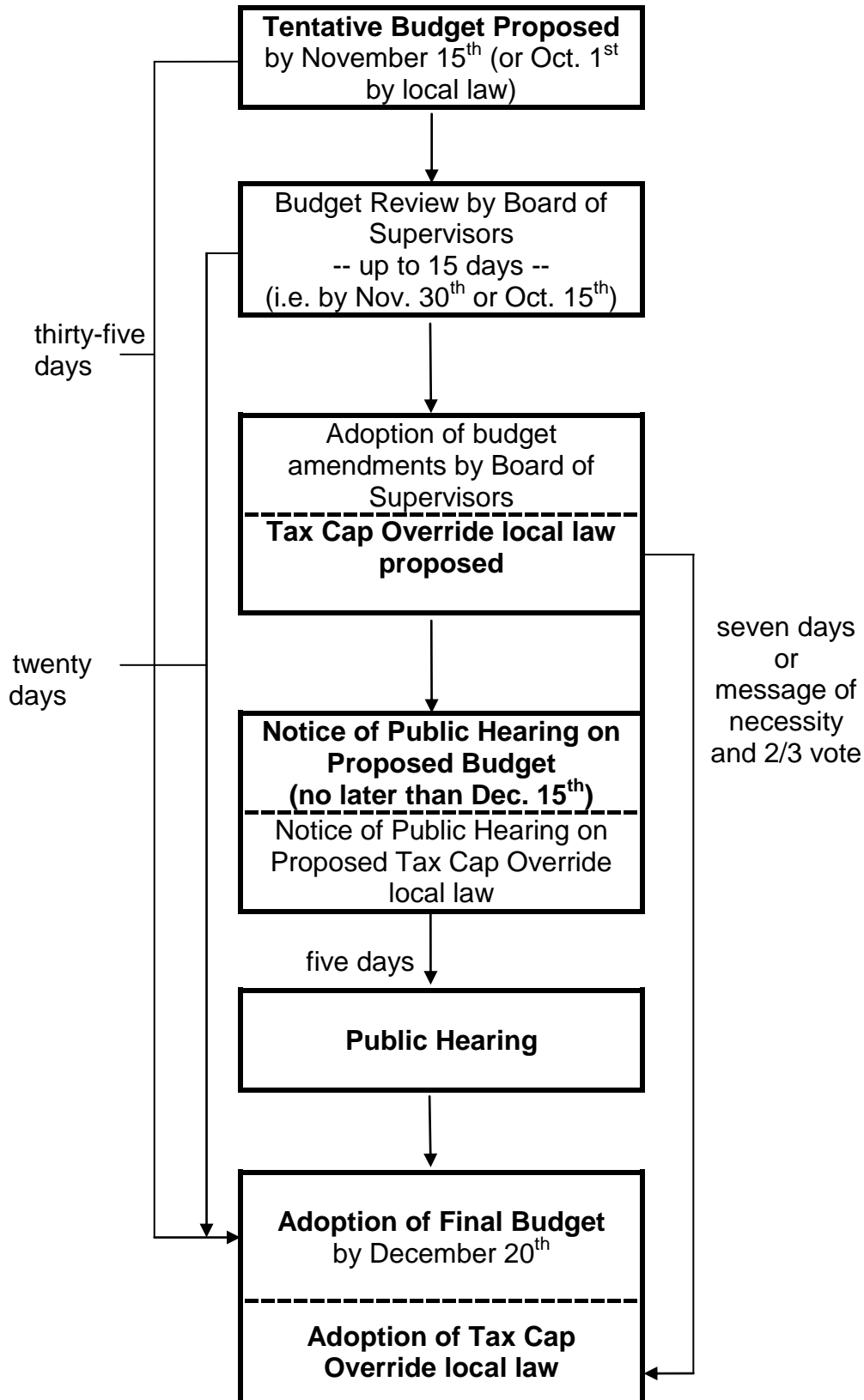
XI. Treatment of “Chargebacks” by Counties

As a general matter, property taxes levied by a County under its taxing authority to fund the County budget fall within the County’s tax levy limit. Accordingly, taxes levied by the County under the County’s taxing authority which are for the support of entities such as Community Colleges and County Boards of Election are subject to the County’s tax cap, notwithstanding the chargeback of those taxes to another local government. Counties may not decide independently to apportion those tax levies to another municipality.

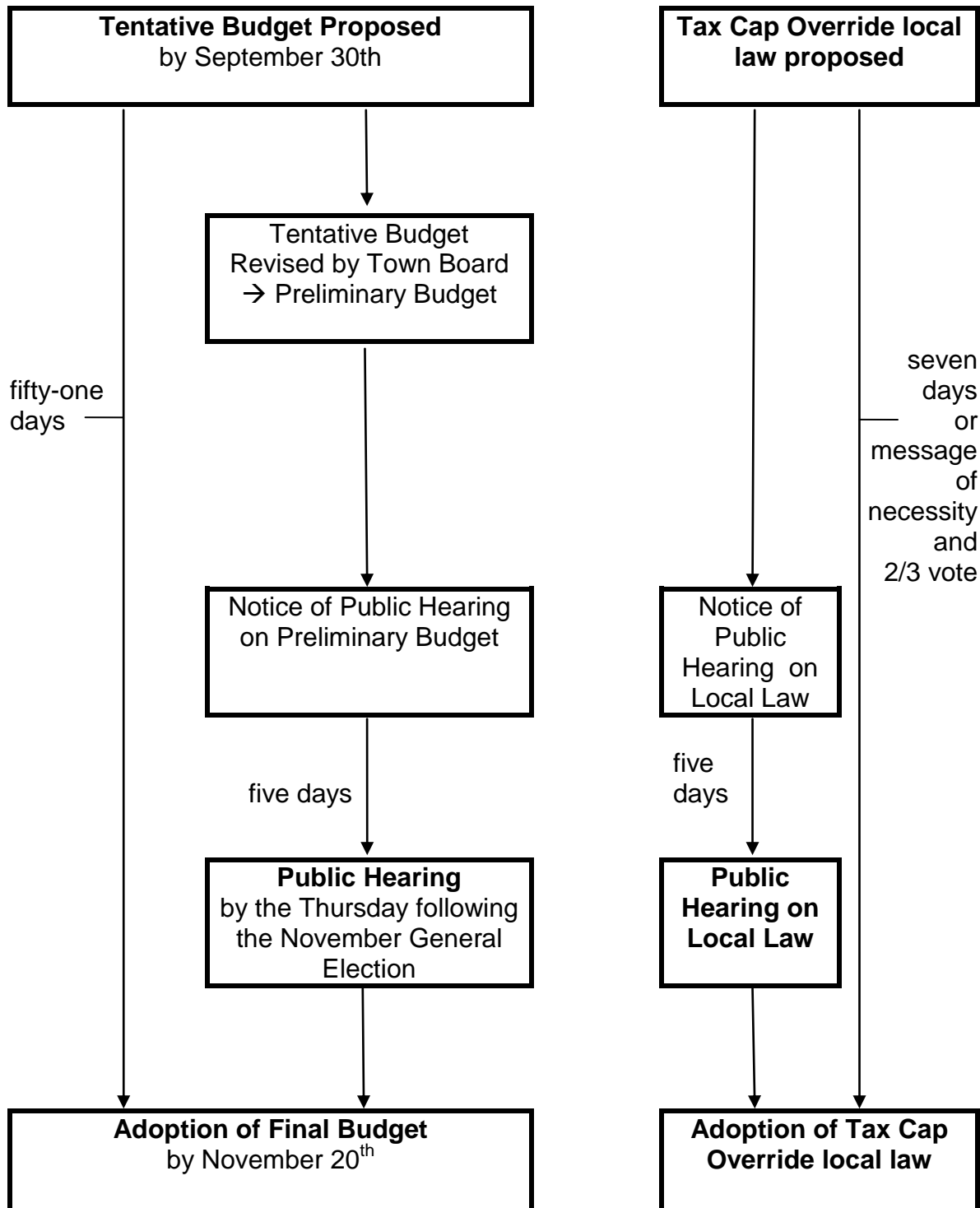
Appendix A **Timeline for Tentative County Budget that Requires Tax Cap Override**



Appendix B
Timeline for Tentative County Budget as Amended by Board of Supervisors
that Requires Tax Cap Override

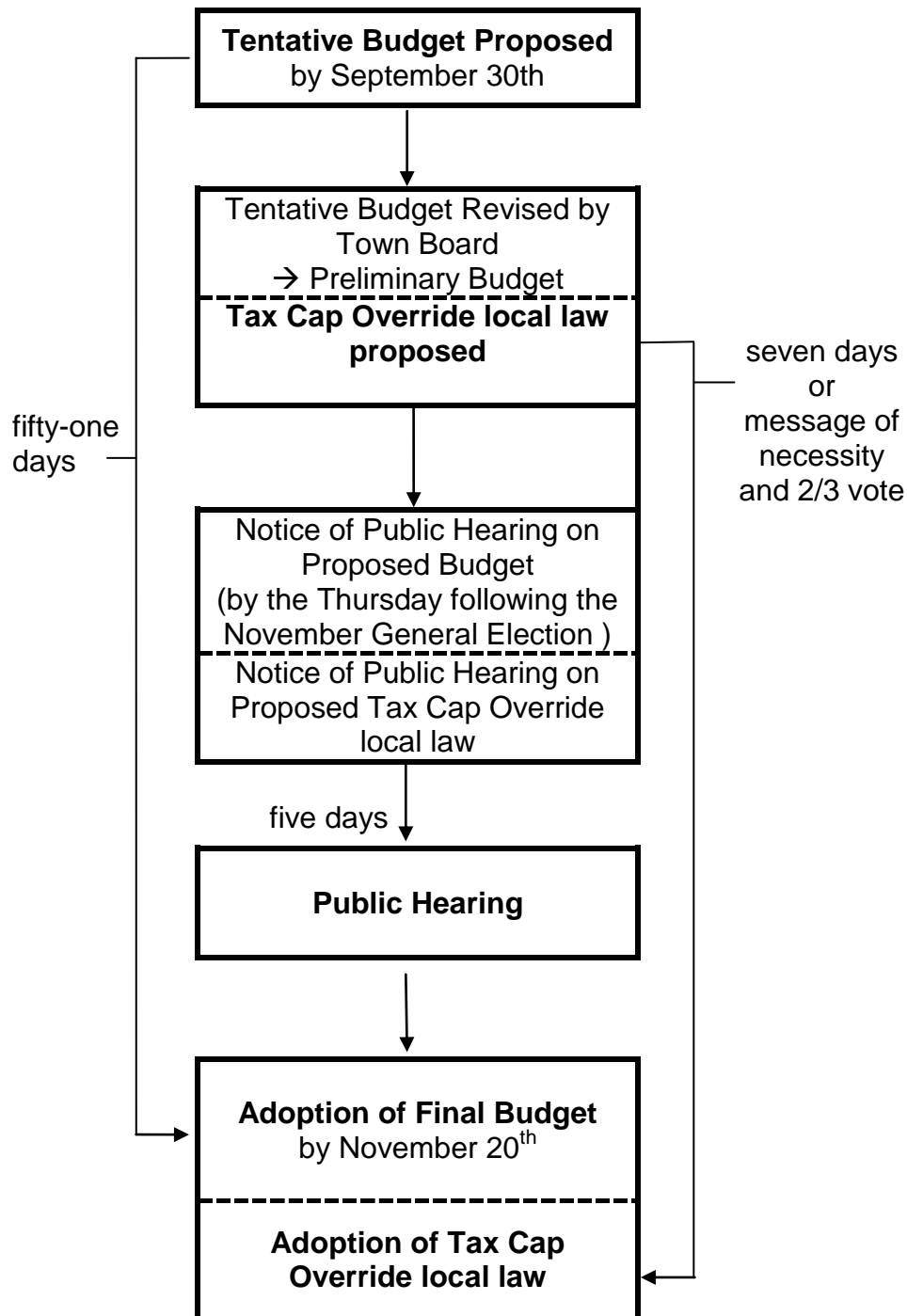


Appendix C
Timeline for Tentative Town Budget that requires Tax Cap Override*



* The budget calendars are different for towns in Monroe and Westchester Counties

Appendix D
Timeline for Tentative Town Budget as Amended by the Town Board
that requires Tax Cap Override*



* The budget calendars are different for towns in Monroe and Westchester Counties



CITY COUNCIL AGENDA

NO. 7

DEPT.: City Manager's Office

DATE: December 21, 2016

CONTACT: Marcus Serrano, City Manager

AGENDA ITEM: Continuation of the Public Hearing on the proposed 2017 Budget.

FOR THE MEETING OF:

December 21, 2016

RYE CITY CODE,
CHAPTER
SECTION

RECOMMENDATION: That the Mayor and the Council hold a Public Hearing on the proposed 2017 Rye City Budget.

IMPACT: ☐ Environmental ☒ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND: The Rye City Charter stipulates that a Public Hearing must be held on the proposed budget. The Public Hearing shall be held not later than the first Wednesday in December of the current year and upon at least 10 days' notice.

The City Manager presented the 2017 budget on November 9th. The Council held Workshops on November 14th, 16th and 28th.

The proposed 2017 Budget is available on the City website www.ryeny.gov.

The Budget adoption is scheduled for December 21, 2016.



CITY COUNCIL AGENDA

NO. 8

DEPT.: Finance

DATE: December 21, 2016

CONTACT: Joseph Fazzino, Deputy City Comptroller

AGENDA ITEM: Resolution to adopt the 2017 Budget and establish the 2017 City tax levy and 2017 tax rate.

FOR THE MEETING OF:
December 21, 2016

RECOMMENDATION: That the City Council adopt the following resolution:

WHEREAS, on November 9, 2016 the 2017 Tentative Budget was presented to the City Council, and,
WHEREAS, since November 9, 2016 the City Council has discussed possible amendments to the 2016 Tentative Budget, now, therefore be it

RESOLVED, that the tentative budgets and fee schedules as amended for the General Fund, Cable TV Special Revenue Fund, K.T. Woods Permanent Fund, Debt Service Fund, Capital Projects Fund, Boat Basin Enterprise Fund, Golf Club Enterprise Fund, Risk Retention Internal Service Fund and Building and Vehicle Maintenance Internal Service Fund, are hereby adopted for the fiscal year ending December 31, 2017, and be it further

RESOLVED, that the City Council does hereby certify to the City Comptroller the 2017 City of Rye tax rate of \$167.74 per \$1,000 taxable assessed valuation and the 2017 City of Rye tax levy of \$23,632,420 and be it further

RESOLVED, that the City Council does hereby direct the City Comptroller to apportion and extend against each taxable property listed upon the assessment roll at the tax rate certified in this resolution to produce the tax levy certified in this resolution, and to render tax notices for, and receive and collect, the several sums so computed and determined, with interest as provided by law, and any special assessments heretofore authorized and approved.

IMPACT: ☐ Environmental ☒ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND: On November 9, 2016 the City Manager and City Comptroller presented the 2017 Tentative Budget to the City Council. The tentative budget has since been reviewed and amended by resolutions adopted by City Council at public meetings. The above resolution provides for the adoption of the 2017 Budget.



CITY COUNCIL AGENDA

NO. 9

DEPT.: Finance

DATE: December 21, 2016

CONTACT: Joseph Fazzino, Deputy Comptroller

AGENDA ITEM: Resolution authorizing the City Comptroller to make the necessary year-end closing transfers.

FOR THE MEETING OF:

December 21, 2016

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the City Council adopt the following resolution:

RESOLVED, that the City Comptroller is hereby authorized to make the necessary 2016 fiscal year-end budget transfers in City accounts, provided a list of such transfers over \$10,000 is furnished to the City Council after completion of such transfers.

IMPACT: ☐ Environmental ☒ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND: While at the fund level total actual expenditures do not exceed the total budgeted amount, there may be several detailed budget lines that show various over and under expended amounts. Funds that are not encumbered or reserved for a specific expense will be moved to Fund Balance from individual financial lines. This resolution authorizes the City Comptroller to make the necessary year-end budget adjustments to ensure that the line item budgets are properly allocated.



CITY COUNCIL AGENDA

NO. 10

DEPT.: City Manager

DATE: December 21, 2016

CONTACT: Marcus Serrano, City Manager

AGENDA ITEM: Continuation of the Public Hearing to amend local law Chapter 194, "Water", of the Rye City Code by amending Section §194-1, "Conservation in times of emergency", to give the City Manager the authority to declare conservation in times of water emergency.

FOR THE MEETING OF:

December 21, 2016

RYE CITY CODE,

CHAPTER 194
SECTION 1

RECOMMENDATION: Continuation of the Public Hearing to amend local law Chapter 194, "Water", of the Rye City Code by amending Section §194-1, "Conservation in times of emergency", to give the City Manager the authority to declare conservation in times of water emergency.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☒ Other:

BACKGROUND:

Chapter 194 of the City Code places limitations on the use of water in times of water emergencies. Currently the Code allows for the *City Council* to declare a water emergency based on advice from the officers or agents of the water company. This declaration would need to be made at a City Council meeting. The proposed change to Chapter 194 is to give the *City Manager* the authority to declare the water emergency, providing a more timely response during a water emergency as a City Council meeting would not need to be held.

See attached proposed Local Law.

CITY OF RYE
LOCAL LAW NO. 2016

A local law to amend Chapter 194 “Water Conservation” by repealing §§ 194-1 “Conservation in times of emergency” and 194-2 “Penalties for offenses” in their entirety and to adopt a new Chapter 194 “Water Supply Emergencies” as follows:

Be it enacted by the City Council of the City of Rye as follows:

Section 1:

§ 194-1. Statement of purpose.

The City of Rye purchases water from the New York-American Water Company (hereinafter referred to as “Suez”) and from Westchester Joint Water Works (hereinafter “WJWW”). From time to time, the levels of the reservoirs will require the declaration of a water supply emergency. When a water supply emergency is declared, there are certain water use restrictions that must be implemented. Accordingly, the purposes of this chapter are:

- A. To codify and thereby enable the City of Rye to enforce water-use restrictions imposed during a water supply emergency by Suez and/or Westchester Joint Water Works, acting in conjunction with the municipalities it services;**
- B. To restrict the wasteful, inefficient and/or nonessential use of water during periods of drought; and**
- C. To establish penalties for violations and to provide for enforcement of water conservation measures in the City of Rye for the protection of the health, safety and welfare of the City.**

§ 194-2. Drought Response Plan.

The Drought Response Plan of the Connecticut-American and New York-American Water Companies, which plan was established on July 13, 1995, and subsequent modifications and/or supplements thereto published by the Connecticut-American and New York-American Water Companies (hereinafter collectively referred to as the “Drought Response Plan”) shall be incorporated by reference into this chapter and become a part thereof. Similarly, any plan developed by Westchester Joint Water Works shall be incorporated by reference into this chapter and become a part hereof

§ 194-3. Applicability.

Any person, corporation or entity located within the territorial boundaries of the City of Rye that receives, purchases, and/or uses water supplied by United Water/Suez and/or Westchester Joint Water Works shall be subject to the provisions of this chapter.

§ 194-4. Declaration of water supply emergency.

- A. Based upon the levels of the reservoir(s) of the New York-American Water Company (now Suez Water) and/or Westchester Joint Water Works, the precipitation levels in the territories serviced by Suez and in the watershed area of its reservoir(s) and the time of year, Suez may declare the existence of a water supply emergency in one of three possible phases.**
- B. Suez shall provide notice of its declaration of a water supply emergency in a newspaper of general circulation in the City of Rye and by transmittal to the radio and television media in the territorial areas serviced by it.**
- C. When a water supply emergency is declared, the City of Rye is subject to the restriction imposed by the Drought Response Plan.**

§ 194-5. Variances.

- A. Upon written application of any person, corporation or entity, the City Manager may, in his or her discretion, want an exemption and/or variance relieving such person, corporation or entity from compliance with the water use restrictions imposed on the basis of factors including but not limited to any of the following:**
 - 1. An undue hardship would otherwise result;**
 - 2. No possible alternatives exist;**
 - 3. The applicant has taken and will take all possible measures to conserve water, with a complete description of such measures and the water savings to be effected;**
 - 4. Such exemption and/or variance is not inconsistent with the purposes of this chapter; and/or**
 - 5. The source and nature of the applicant's water supply.**
- B. In connection with any exemption and/or variance which may be granted, the City Manager shall impose such terms and conditions as he or she deems appropriate. Any variance and/or exemption granted shall be fashioned to comport as strictly as possible with the intent of this chapter.**
- C. The determination by the City Manager to grant or to deny an**

exemption and/or variance from compliance with the water use restrictions imposed bay be appealed to the City Council. Upon receipt of such an appeal, the City Council shall affirm, reverse or modify the determination of the City Manager and impose such terms and conditions as it deems appropriate.

§ 194-6. Enforcement.

The City Police Department and the City Building Inspector are hereby designated enforcement officers with respect to water use restrictions set forth above.

§ 194-7. Penalties for offenses.

Any person, corporation, or entity violating any water use restrictions imposed pursuant this Chapter may, upon conviction, be punished for the first offense by a fine of not more than \$250; and for the second offense, by a fine of not less than \$250 but not more than \$500, or by imprisonment for not more than 15 days, or both. The third or any subsequent offense within 12 months may be a punishable by a fine of not less than \$500 nor more than \$750 or by imprisonment not exceeding six months, or by both such fine and imprisonment. Each day that a violation under this chapter continues may be considered a separate offense for which a fine or imprisonment may be imposed.

Section 2: Severability.

If any clause, sentence, paragraph, section or part of any section of this title shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy and in which such judgment shall have been rendered.

Section 3: Effective date.

This local law will take effect immediately on filing in the office of the Secretary of State.



CITY COUNCIL AGENDA

NO. 11

DEPT.: City Manager

DATE: December 21, 2016

CONTACT: Marcus Serrano, City Manager

AGENDA ITEM: Continuation of the Public Hearing on the proposed revision to the Rye City Charter to rescind Article 12 "Police Department" and Article 13 "Fire Department" and create a new Article 12 "Department of Public Safety" and to create a new position of "Commissioner of Public Safety" which position shall have charge and supervision of the Police and Fire Departments.

FOR THE MEETING OF:

December 21, 2016

RYE CITY CODE,

CHAPTER
SECTION

RECOMMENDATION: That the Council continue the Public Hearing on the proposed revision to the Rye City Charter regarding the establishment of a "Department of Public Safety" and the creation of a new position of "Commissioner of Public Safety" *to reflect that the Public Safety Commissioner shall be appointed by the City Manager with the consent of the Mayor and City Council.*

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☒ Other:

BACKGROUND: At the July 13, 2016 City Council meeting the City Council approved the changes to the City Charter to establish a Department of Public Safety and to create a new position of Commissioner of Public Safety who will oversee the supervision of the Police and Fire Departments. Rye voters passed the Proposition on November 8, 2016 confirming the establishment of the Department of Public Safety and the creation of the position of Commissioner of Public Safety. The Charter amendment before the Council is to reflect that the Public Safety Commissioner shall be appointed by the City Manager with the consent of the Mayor and City Council as the Charter previously reflected this Mayor and City Council consent for the Police Commissioner. The Local Law approved in July, 2016 inadvertently did not note this consent.

See attached revised Local Law.

CITY OF RYE
LOCAL LAW NO. 2016

A local law to rescind Article 12 “Police Department” and Article 13 “Fire Department” of the Rye City Charter and create a new Article 12 “Department of Public Safety” and to create a new position of “Commissioner of Public Safety”, which position shall have charge and supervision of the Police and Fire Departments as follows:

Be it enacted by the City Council of the City of Rye as follows:

Section 1: Repeal City Charter Article 12 “Department of Police” in its entirety and replace same with a new Article C12 “Department of Public Safety”

Section 2: Repeal City Charter Article 13 “Fire Department” in its entirety.

Section 3: Department of Public Safety.

Article C12-1. “Commissioner of Public Safety”

- A. There shall be Department of Public Safety, the head of which shall be the Commissioner of Public Safety, who shall be appointed by the City Manager, and he/she shall serve at the pleasure of the City Manager **except that the City Manager shall obtain the consent of the Mayor and the City Council when appointing the Commissioner of Public Safety.** The Commissioner of Public Safety shall have at least the qualifications and experience specified by the City Council. The Commissioner of Public Safety shall report directly to the City Manager.
- B. The Commissioner of Public Safety shall have charge and supervision of the Fire and Police Departments and shall provide in all ways possible for the safety, care, comfort and protection of the inhabitants of the City of Rye and of their property.

Article C12-2. Powers and Duties of Commissioner of Public Safety.

- A. The Commissioner of Public Safety shall have jurisdiction, supervision and control of the government, administration, disposition and discipline of the officers and members of the Fire and Police Departments; and shall possess and exercise fully and exclusively all powers and perform all duties pertaining to the government, maintenance and direction of the fire department, and the apparatus and property thereof, and buildings furnished therefore and of the Police Department and equipment furnished therefore, and shall have the general directions and supervision of the expenditure of all moneys appropriated to the Department of Public Safety. He/she shall have authority to administer oaths and take evidence, affidavits and acknowledgements in all matters and proceedings pertaining to the Department of Public Safety.
- B. The Commissioner of Public Safety shall have the power to make rules and regulations, approved by the City Council, in regard to the government,

administration, disposition and discipline of the members Fire Department and the Police Department. Such rules and regulations may provide for the hearing, examination, investigation, trial and determination of charges made or prepared against any officer or member of said department for neglect of official duty or incompetency or incapacity to perform his official duties, or some delinquency seriously affecting his general character or fitness for the office, and may, in his/her discretion, punish, discipline and/or terminate any officer or member found guilty thereof, after reasonable notice and upon due trial by the aforesaid Commissioner of Public Safety in the form and manner prescribed by the rules and regulations of his Department.

- C. The Commissioner of Public Safety shall have the power to appoint all officers and members of the Fire Department, except those positions which are elected positions by the Volunteer Fire Department and all officers and members of the Police Department, including Bay Constables, subject to civil service rules and regulations, to such positions in said departments as are established by the City Council.
- D. The Commissioner of Public Safety shall have general supervision over the records of the Department of Public Safety and its officers and employees and shall possess such other powers and perform such other duties as may be prescribed by law or by resolution of the City Council.
- E. The Commissioner of Public Safety shall be responsible for the administration and supervision of police officers assigned to policing and enforcing all laws and ordinances applicable to Rye Town Park and the maintenance of order therein.
- F. The Commissioner of Public Safety shall assist the City Manager in the administration of flood, disaster and other emergency plans.
- G. The Commissioner of Public Safety shall be responsible for the administration, in coordination with other municipalities, of an emergency ambulance service on behalf of the inhabitants of the City.

Article C12-3. Constitution of the Fire Department and the Police Department.

The Fire Department shall be supervised by the supervisory career officers and such other officers as the Commissioner of Public Safety shall authorize. The Police Department shall consist of the paid division, including the Bay Constables, and the auxiliary police division and shall be supervised by the supervisory career officers of the Police Department and such other officers as the Commissioner of Public Safety shall authorize. The supervisory career officers of the Fire Department and the supervisory career officers of the Police Department, under the direction and control of the Commissioner of Public Safety, shall have the supervision and management of the officers, employees and members of the respective departments.

Article C12-4. Election and approval of officers of the Rye Volunteer Fire Department.

The Rye Volunteer Fire Department shall be constituted of a/several volunteer fire company(ies) and shall have the power to elect a chief, a first assistant chief, a second assistant chief, and all company officers to be elected from the company(ies); however, such positions shall only be filled if such volunteers meet all of the training requirements established by the Commissioner of Public Safety. All elected officers shall be approved by the Commissioner of Public Safety and the City Council. The chief, first assistant chief and second assistant chief shall work with the supervisory career officers of the Fire Department and report directly to the Commissioner of Public Safety. Each company shall have the power to elect company officers as are necessary and to select members to fill any vacancies which may occur in their ranks. The company(ies) may adopt by-laws, subject to the approval of the Public Safety Commissioner, City Manager and City Council, to govern the leadership, management and direction of their respective company(ies). The Commissioner of Public Safety may remove any member on the ground of incompetence or misconduct after a hearing upon due notice and upon stated charges with the right of such officer and member to a review pursuant to article seventy-eight of the civil practice law and rules.

Section 4: Severability.

If any clause, sentence, paragraph, section or part of any section of this title shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy and in which such judgment shall have been rendered.

Section 5: Effective date.

This local law will take effect immediately on filing in the office of the Secretary of State.



CITY COUNCIL AGENDA

NO. 13

DEPT.: Corporation Counsel

DATE: December 21, 2016

CONTACT: Kristen K. Wilson, Corporation Counsel

AGENDA ITEM: Consideration of settlement in the litigation *Rvin Reyes, et al v. City of Rye, Rye Golf Club, RM Staffing & Events, Inc., Morris Yacht and Beach Club, Inc. and Scott Yandrasevich, Jointly and Severally.*

FOR THE MEETING OF:

December 21, 2016

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council discuss the consideration to seek settlement in the litigation *Rvin Reyes, et al v. City of Rye, Rye Golf Club, RM Staffing & Events, Inc., Morris Yacht and Beach Club, Inc. and Scott Yandrasevich, Jointly and Severally.*

IMPACT: ☐ Environmental ☒ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND: In January 2014 the City was served with a summons and complaint filed on behalf of current and former wait staff at Whitby Castle pursuant to the Fair Labor Standards Act and the New York Labor Law. The Council is asked to discuss a resolution to seek settlement in the litigation on behalf of the City.



CITY COUNCIL AGENDA

NO. 14

DEPT.: Finance

DATE: December 21, 2016

CONTACT: Joseph Fazzino, Deputy Comptroller

AGENDA ITEM: Resolution to authorize participation in Westchester County contracts.

FOR THE MEETING OF:

December 21, 2016

RECOMMENDATION: That the City Council adopt the following resolution:

WHEREAS, by Act No. 8-1983, The County Board of Legislators authorized the County Purchasing Agent to act as Purchasing Agent for any city, town, village, school district or other unit of local government within the County of Westchester County, provided that said unit of local government by act, ordinance or resolution authorizes the County Purchasing Agent to act as its Purchasing Agent for items purchased by the County, and empowering designated officers and employees to sign requisitions, and further directing the proper official of local government to audit and pay County bills for the cost of County services within thirty (30) days after the receipt of said bill by the local government, and to provide the County with such insurance coverage as may be required by the County's Director of Risk Management, NOW, THEREFORE, be it

RESOLVED, that the County Purchasing Agent is hereby authorized to act as Purchasing Agent for the City of Rye, New York on a continuing basis, and be it further

RESOLVED, that the City Manager, the Assistant City Manager, the City Comptroller, and/or the City Engineer are hereby authorized to sign appropriate requisitions, and be it further

RESOLVED, that the City Comptroller is hereby authorized and directed to audit and pay County bills for the cost of County services within thirty (30) days after receipt of said bills, and be it further

RESOLVED, that the City Comptroller is hereby authorized to secure and provide to the County of Westchester any and all insurance required by the County's Director of Risk Management, in Accordance with County Act No. 8-1983.

IMPACT: ☐ Environmental ☒ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND: The City of Rye participates in contracts awarded by the County of Westchester. The County of Westchester requires a resolution of our governing board for our continued participation in County purchase contracts.



CITY COUNCIL AGENDA

NO. 15

DEPT.: City Manager's Office

DATE: December 21, 2016

CONTACT: Marcus Serrano, City Manager

AGENDA ITEM: Resolution authorizing the Mayor to enter into an agreement with the Rye Free Reading Room to furnish library services for 2017.

FOR THE MEETING OF:

December 21, 2016

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the City Council approve the following resolution:

RESOLVED, that the Mayor be and hereby is authorized to execute an agreement with the Rye Free Reading Room to furnish library services for 2017.

IMPACT: ☐ Environmental ☒ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND: Each year the City of Rye financially supports the operations of the Rye Free Reading Room (RFRR). In FY 2016, the contribution was in the amount of \$1,195,000. The attached agreement for FY 2017 includes an appropriation of \$1,230,000. The agreement stipulates the specific rights and obligations of both parties, pursuant to section 256 of the Education Law of the State of New York.

THIS AGREEMENT, made as of the ____ day of January, 2017, by and between the CITY OF RYE, a municipal corporation located within the County of Westchester and State of New York, party of the first part, and RYE FREE READING ROOM, a free library association duly registered by the Regents of the University of the State of New York at a meeting thereof on January 24-25, 1917, and maintaining a free library in the City of Rye, County of Westchester and State of New York, party of the second part:

WITNESSETH, that the parties hereto, pursuant to section 256 of the Education Law of the State of New York, do hereby mutually covenant and agree as follows:

1. The party of the second part does hereby agree to furnish library privileges to the people of the City of Rye, under reasonable rules and regulations of the party of the second part, during the terms of this agreement.

2. The party of the second part does hereby agree that the Rye Free Reading Room will make all best efforts to offer service to the public a minimum of 43.5 hours in the winter and 43.5 hours in the summer. The Library will make all best efforts to ensure that within its hours of operation that Saturday is open. In addition, the Rye Free Reading Room will guarantee that they will be open for "special events" in accordance with the policies and procedures of the library as they occur throughout the year.

3. The party of the second part does hereby agree to submit to the City of Rye a financial report within two months of the close of its fiscal year and to provide copies of an annual narrative report prepared for association members. Copies of all audit reports prepared by independent audit firms or the State of New York will be filed, within 30 days of receipt, with the City Comptroller and the City Council's Audit Committee.

4. In consideration of the foregoing the party of the first part does hereby agree to pay the sum of One Million Two Hundred Thirty Thousand Dollars (\$1,230,000) to the party of the second part during the calendar year: Six Hundred Fifteen Thousand Dollars (\$615,000) to be paid in January, and Six Hundred Fifteen Thousand Dollars (\$615,000) to be paid in July.

5. Pursuant to said statute, such total sum shall be a charge upon the City of Rye and shall be raised, appropriated and paid in the same manner as other City charges.

6. If the capital improvements that were part of the 2012 bond resolution are installed in 2017, the Rye Free Reading Room will be responsible for all maintenance and repair costs of same.

7. This agreement shall be effective and continue for the calendar year 2017.

IN WITNESS WHEREOF, the parties hereto have duly executed this agreement as of the day and year first above written.

CITY OF RYE

By _____
Mayor

RYE FREE READING ROOM

By _____
President

Attest:

City Clerk



CITY COUNCIL AGENDA

NO. 16

DEPT.: City Manager's Office

DATE: December 21, 2016

CONTACT: Marcus Serrano, City Manager

AGENDA ITEM: Resolution designating the days and time of regular meetings of the City Council for 2017 setting January 11, 2017 as the first regular meeting.

FOR THE MEETING OF:

December 21, 2016

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Mayor and City Council schedule the 2017 meeting dates.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND: The Rye City Charter stipulates that the City Council meet within the first two weeks of January in each year and shall hold stated meetings at least twice a month, except for the months of June through September when only one stated meeting per month need be held.

See attached schedule for regular meetings of the City Council for 2017.

2017 City Council Meetings

January 2017

Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

February 2017

Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28				

March 2017

Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

April 2017

Su	Mo	Tu	We	Th	Fr	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

May 2017

Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

June 2017

Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

July 2017

Su	Mo	Tu	We	Th	Fr	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

August 2017

Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

September 2017

Su	Mo	Tu	We	Th	Fr	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

October 2017

Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

November 2017

Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

December 2017

Su	Mo	Tu	We	Th	Fr	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						



Regular City Council Meeting



Budget Workshop



Joint City Council/School Board Meeting

January 23

Capital Projects Workshop

February 20-24

School Mid-Winter Recess

April 10-14

School Spring Break

August 7

Presentation of the CIP

November 7

Election Day



CITY COUNCIL AGENDA

NO. 17

DEPT.: Public Works

DATE: December 21, 2016

CONTACT: Ryan X. Coyne, City Engineer

ACTION: Bid Award for the Parking Pay Station Replacement Contract (Contract #2016-17).

FOR THE MEETING OF:

December 21, 2016

RYE CITY CODE,

CHAPTER
SECTION

RECOMMENDATION: That Contract #2016-17 be awarded to the sole bidder, Integrated Technical Systems, Inc. in the amount of one hundred two thousand six hundred eighty eight dollars (\$102,688.00) as recommended by the City Engineer.

IMPACT: ☐ Environmental ☒ Fiscal ☐ Neighborhood ☐ Other:


BACKGROUND: The contract is for the project to replace the parking pay stations in the City's Car Park lots. City staff has determined that there are sufficient funds to pay for the improvements in this project out of the operating budget.

The City Engineer's recommendation and bid results are attached for your review.



CITY OF RYE
Engineering Department

Interoffice Memorandum

To: Marcus Serrano, City Manager
From: Ryan Coyne, City Engineer 
Cc: Joseph Fazzino, Deputy City Comptroller
Date: December 16, 2016
Subject: **Parking Pay Station Replacement
Contract 2016-17**

I have checked and tabulated the single bid received on December 15, 2016 for the above contract. A copy of the bid results is attached. I recommend the bid be awarded to the sole bidder, Integrated Technical Systems, Inc. (ITS), in the amount of \$102,688.00.

ITS is the lowest responsive and responsible bidder. ITS is the current provider of the City's parking pay stations and is experienced in working in Rye.

Please feel free to contact me should you need additional information.

Parking Pay Station Replacement - Contract 2016-17
Bid Tabulation



		1. ITS	
Item	Quantity	Unit Price	Total Price
Multi-Space Pay Station	10	\$10,268.80	\$102,688.00
Engineer's Total		\$102,688.00	
Contractor's Total		\$102,688.00	

Bid Opening:
 December 15, 2016



CITY COUNCIL AGENDA

NO. 18 DEPT.: Police Department DATE: December 21, 2016
CONTACT: Michael C. Corcoran, Jr., Police Commissioner

AGENDA ITEM: Acceptance of donation to the Rye Police Department from the Rye Rotary Club in the amount of One Thousand Five Hundred (\$1,500.00) Dollars.

FOR THE MEETING OF:

December 21, 2016

RYE CITY CODE,

CHAPTER
SECTION

RECOMMENDATION: That the Council adopt the following resolution:

Whereas, the Rye Rotary Club desires to donate One Thousand Five Hundred (\$1,500) Dollars to the Rye Police Department; and

Whereas, the fiscal 2016 General Fund budget did not anticipate this donation; now, therefore be it

Resolved, that the City Council of the City of Rye accepts the aforementioned donation; and be it further

Resolved that the City Comptroller is authorized to amend the fiscal 2016 General Fund budget as follows:

Increase Deferred Revenues - Police Donations \$1,500.00

IMPACT: ☐ Environmental ☒ Fiscal ☐ Neighborhood ☐ Other:

BACKGROUND:

The Rye Rotary Club presented the Police Department with a donation of \$1,500.00 for continuing efforts in the Police Department's Adopt-a-School Program at their Rotary meeting on Wednesday, December 14, 2016. The Police Commissioner recommends acceptance of this donation.



CITY COUNCIL AGENDA

NO. 19

DEPT.: Boat Basin

DATE: December 21, 2016

CONTACT: George Hogben, Boat Basin Supervisor

ACTION: Three appointments to the Boat Basin Commission by the Council, for three-year terms expiring January 1, 2020.

FOR THE MEETING OF:

December 21, 2016

RYE CITY CODE,

CHAPTER

SECTION

RECOMMENDATION: That the Council designate the individuals elected to serve on the Boat Basin Commission.

IMPACT: ☐ Environmental ☐ Fiscal ☐ Neighborhood ☒ Other:

BACKGROUND:

The following individuals were elected to serve on the Boat Basin Commission for three-year terms ending January 1, 2020:

Resident

Max Billington

Brendan Doyle

Greg Gavlik

Non-Resident

Stephen Monaldo

November 19, 2016

City of Rye Boat Basin
650 Milton Road
Rye, NY
10580 United States

To Whom It May Concern:

The following election results are certified by Simply Voting to have been securely processed and accurately tabulated by our independently managed service.

Respectfully yours,



Brian Lack
President
Simply Voting Inc.

Boat Basin Commission Election

Start: 2016-11-11 08:00:00 America/New_York

End: 2016-11-18 23:59:00 America/New_York

Turnout: 123 (34.3%) of 359 electors voted in this ballot.

Resident Nominees

Option	Votes
Max Billington	101 (33.3%)
Brendan Doyle	74 (24.4%)
Greg Gavlik	46 (15.2%)
Matthew Malouin	45 (14.9%)
Bob November	37 (12.2%)

VOTER SUMMARY

Total	123
Abstain	3 (2.4%)

December 12, 2016

City of Rye Boat Basin
650 Milton Road
Rye, NY
10580 United States of America

To Whom It May Concern:

The following election results are certified by Simply Voting to have been securely processed and accurately tabulated by our independently managed service.

Respectfully yours,



Brian Lack
President
Simply Voting Inc.

Boat Basin Commission Non-Resident Election

Start: 2016-12-02 08:00:00 America/New_York

End: 2016-12-09 23:59:00 America/New_York

Turnout: 95 (26.5%) of 359 electors voted in this ballot.

Non-Resident Nominees

Option	Votes
Stephen Monaldo	46 (53.5%)
Bob Fatizzi	40 (46.5%)

VOTER SUMMARY

Total	95
Abstain	9 (9.5%)

